

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KRISTINE BROMLEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:16 CV 1298 JMB
	)	
MEDICAL COMMERCIAL AUDIT, INC.	)	
d/b/a MCA MANAGEMENT CO.,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff in this matter has filed a pleading entitled Dismissal Without Prejudice under Federal Rule of Civil Procedure 41(a)(1)(A). (ECF No. 5) Because Plaintiff has filed this document<sup>1</sup> before Defendant served either an answer or motion for summary judgment, she is entitled to dismissal without prejudice. See Fed. R. Civ. P. 41(a)(1)(A)(i). Each party shall bear its own costs.

Accordingly,

**IT IS HEREBY ORDERED** that this case is **DISMISSED** without prejudice, and the Clerk is directed to close the case.

/s/ John M. Bodenhausen  
UNITED STATES MAGISTRATE JUDGE

Dated this 11th day of August, 2016

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<sup>1</sup> The Court construes this filing as a Notice of Dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i) because Rule 41 entitles Plaintiff to file such a notice and the parties explicitly cited that provision. The Court is aware that if this document were a traditional motion to dismiss, that would be a dispositive motion requiring the consent of the parties under 28 U.S.C. § 636(c), but for the reasons just stated, the filing is better viewed as a Notice of Dismissal. Furthermore, both parties have agreed to the dismissal without prejudice, and have thus implied consent to the Court's jurisdiction. See Roell v. Withrow, 538 U.S. 580, 590 (2003) (holding that consent under 28 U.S.C. § 636(c) can be implied by the actions of the parties).